



TEXAS ADMINISTRATIVE CODE

*** This document reflects all regulations in effect as of March 31, 2014 ***

TITLE 37. PUBLIC SAFETY AND CORRECTIONS
PART 1. TEXAS DEPARTMENT OF PUBLIC SAFETY
CHAPTER 15. DRIVER LICENSE RULES
SUBCHAPTER L. ELECTION IDENTIFICATION CERTIFICATE

37 TAC § 15.181 (2014)

§ 15.181. Eligibility for Election Identification Certificate

(a) An applicant must be at least 17 years and 10 months of age in order to apply for an election identification certificate.

(b) An applicant must affirm that the person is obtaining the certificate for the purpose of satisfying *Election Code*, § 63.001(b) and does not have another form of identification described by *Election Code*, § 63.0101.

(c) An applicant must:

(1) Be a registered voter in this state and present a voter registration card issued to the individual; or

(2) Be eligible for voter registration under *Election Code*, § 13.001 and submit an application for voter registration.

(d) An applicant who has been issued any of the following documents is not eligible to receive an election identification certificate:

(1) A driver license, election identification certificate, or personal identification certificate issued by the department that has not expired or that expired no earlier than 60 days before the date of application;

(2) A United States military identification card that contains the person's photograph that has not expired or that expired no earlier than 60 days before the date of application;

(3) A United States citizenship certificate issued to the person that contains the person's photograph;

(4) A United States passport issued to the person that has not expired or that expired no earlier than 60 days before the date of application; or

(5) A license to carry a concealed handgun issued to the person by the department that has not expired or that expired no earlier than 60 days before the date of application.

SOURCE: The provisions of this § 15.181 adopted to be effective December 13, 2011, 36 TexReg 8384

NOTES:

CROSS-REFERENCES: This Section cited in 37 TAC § 15.184, (relating to Expiration, Renewal, and Replacement of Election Identification Certificate).

This Chapter cited in 37 TAC § 16.99, (relating to Lifetime Disqualifications).

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37 TAC § 15.182 (2014)

§ 15.182. Identification of Applicants

An applicant for an election identification certificate must provide documents satisfactory to the department. All documents must be verifiable.

(1) An original applicant for an election identification certificate must present:

- (A) One piece of primary identification;
- (B) Two pieces of secondary identification; or
- (C) One piece of secondary identification plus two pieces of supporting identification.

(2) Primary Identification. A Texas driver license or personal identification card issued to the person that has been expired for 60 days and is within two years of expiration date may be presented as primary identification.

(3) Secondary identification. These items are recorded governmental documents (United States, one of the 50 states, a United States territory, or District of Columbia):

(A) Original or certified copy of a birth certificate issued by the appropriate State Bureau of Vital Statistics or equivalent agency;

(B) Original or certified copy of United States Department of State Certification of Birth (issued to United States citizens born abroad);

(C) Original or certified copy of court order with name and date of birth (DOB) indicating an official change of name and/or gender; or

(D) U.S. citizenship or naturalization papers without identifiable photo.

(4) Supporting identification. The following items consist of other records or documents that aid examining personnel in establishing the identity of the applicant:

- (A) voter registration card;
- (B) school records;
- (C) insurance policy (at least two years old);
- (D) Texas vehicle or boat title or registration;
- (E) military records;
- (F) unexpired military dependant identification card;
- (G) original or certified copy of marriage license or divorce decree;

37 TAC § 15.182

- (H) Social Security card;
- (I) pilot's license;
- (J) unexpired photo DL or photo ID issued by another (United States) state, U.S. territory, the District of Columbia;
- (K) expired photo DL or photo ID issued by another (United States) state, U.S. territory, or the District of Columbia that is within two years of the expiration date;
- (L) an offender identification card or similar form of identification issued by the Texas Department of Criminal Justice;
- (M) forms W-2 or 1099;
- (N) Numident record from the Social Security Administration;
- (O) expired Texas driver license or personal identification certificate (expired more than two years);
- (P) professional license issued by Texas state agency;
- (Q) identification card issued by government agency;
- (R) parole or mandatory release certificate issued by the Texas Department of Criminal Justice;
- (S) federal inmate identification card;
- (T) federal parole or release certificate;
- (U) Medicare or Medicaid card;
- (V) Selective Service card;
- (W) immunization records;
- (X) tribal membership card from federally recognized tribe;
- (Y) Certificate of Degree of Indian Blood;
- (Z) Veteran's Administration card;
- (AA) hospital issued birth record; or
- (BB) any document that may be added to § 15.24 of this title (relating to Identification of Applicants) other than those issued to persons who are not citizens of the U.S.

SOURCE: The provisions of this § 15.182 adopted to be effective December 13, 2011, 36 TexReg 8384

NOTES:

CROSS-REFERENCES: This Chapter cited in 37 TAC § 16.99, (relating to Lifetime Disqualifications).



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37 TAC § 15.183 (2014)

§ 15.183. Application Requirements

(a) An application for an election identification certificate must include:

(1) the applicant's full name:

(A) A married woman may use her maiden name or she may adopt the surname of her husband or the surname of a previous husband. No name will be used that has not been documented. Middle names will not be substituted for first names. Three full names will be used, unless the applicant does not have three names, including the maiden name. This section applies to both sexes. (i) When change of name occurs because of marriage, divorce, annulment, or death of spouse, the certificate holder may choose to keep her current married name, revert to her maiden name, or adopt a previous husband's surname. Name changes for reasons other than those set out above require a court order verifying such change. (ii) Certificate holders who request a name change may apply for a duplicate and exercise the same privilege in name selection as an original applicant.

(B) Foreign language names will be spelled out as they appear on the identification documents presented. English versions of names will not be substituted for the actual name.

(C) Ecclesiastical names such as Brother Thomas, Sister Mary, or Father Kelly are not used.

(2) the applicant's place and date of birth;

(3) the fingerprints of the applicant; this does not apply to an applicant who is permitted and utilizes an alternative method for renewing or duplicating an election identification certificate;

(4) a photograph of the applicant;

(5) the signature of the applicant; the applicant's usual signature, in ink, is required on all applications for an election identification certificate:

(A) The primary purpose of the signature is to identify the applicant and verify the information given on the application.

(B) If an applicant cannot write his name, he may make his "mark." This is usually a cross in the place of his signature followed by the applicant's printed name. The Driver License field employee shall sign under the applicant's "mark" showing who printed the applicant's name.

(6) a brief description of the applicant;

(7) the sex of the applicant;

(8) the residence address of the applicant;

(9) whether the applicant is a citizen of the United States; and

37 TAC § 15.183

(10) the county of residence of the applicant.

(b) Social Security number. Applicants for an election identification certificate will be asked to provide verification of Social Security number documentation. If the applicant fails or refuses to provide that social security information, the election identification certificate will be issued without such documentation unless state or federal statute requires otherwise. Acceptable documents to provide verification of Social Security number are listed in § 15.42 of this title (relating to Social Security Number).

(c) Notarizations. The applicant must verify original election identification certificate applications before a person authorized to administer oaths. The following officials may administer such oaths or affirmations:

(1) within the State of Texas:

(A) a judge, clerk, or commissioner of any court of record;

(B) a notary public;

(C) a justice of the peace;

(D) authorized employees of the Department of Public Safety;

(2) general:

(A) in the absence of evidence to the contrary, it is presumed that all notarizations are legally made;

(B) the omission of the seal by officers normally required to use same for notarization invalidates the oath;

(C) notarized election identification certificate applications must be dated not more than six months prior to date of application.

SOURCE: The provisions of this § 15.183 adopted to be effective December 13, 2011, 36 TexReg 8384

NOTES:

CROSS-REFERENCES: This Chapter cited in 37 TAC § 16.99, (relating to Lifetime Disqualifications).



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37 TAC § 15.184 (2014)

§ 15.184. Expiration, Renewal, and Replacement of Election Identification Certificate

(a) Expiration.

(1) An Election Identification Certificate expires on the first birthday of the cardholder occurring after the sixth anniversary of the date of the application.

(2) An Election Identification Certificate issued to a person 70 years of age or older does not expire.

(b) Renewal.

(1) An applicant for renewal of an election identification certificate must present evidence of eligibility, under § 15.181 of this title (relating to Eligibility for Election Identification Certificate) plus one other piece of personal identification if the election identification certificate is not presented, if necessary to identify the applicant, prior to renewal.

(2) An election identification certificate may be renewed 12 months before expiration date. Earlier renewals will be accepted for good cause.

(3) The department may provide certificate holders with alternate methods of renewing or duplicating an election identification certificate.

(c) Applications for Replacements and Corrections. An application for replacement will be accepted in any of the following cases:

(1) when an election identification certificate has been lost, destroyed, marred, or mutilated;

(2) when there has been a change of name and/or gender.

SOURCE: The provisions of this § 15.184 adopted to be effective December 13, 2011, 36 TexReg 8384

NOTES:

CROSS-REFERENCES: This Chapter cited in 37 TAC § 16.99, (relating to Lifetime Disqualifications).



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*** This document is current through the 2013 3rd Called Session ***
*** Federal case annotations: July 9, 2013 postings on Lexis ***
*** State case annotations: July 31, 2013 postings on Lexis ***

TRANSPORTATION CODE
TITLE 7. VEHICLES AND TRAFFIC
SUBTITLE B. DRIVER'S LICENSES AND PERSONAL IDENTIFICATION CARDS
CHAPTER 521. DRIVER'S LICENSES AND CERTIFICATES
SUBCHAPTER G. LICENSE APPLICATION REQUIREMENTS

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Tex. Transp. Code § 521.142 (2013)

§ 521.142. Application for Original License

(a) An application for an original license must state the applicant's full name and place and date of birth. This information must be verified by presentation of proof of identity satisfactory to the department. An applicant who is not a citizen of the United States must present to the department documentation issued by the appropriate United States agency that authorizes the applicant to be in the United States before the applicant may be issued a driver's license. The department must accept as satisfactory proof of identity under this subsection an offender identification card or similar form of identification issued to an inmate by the Texas Department of Criminal Justice if the applicant also provides supplemental verifiable records or documents that aid in establishing identity.

(b) The application must include:

- (1) the thumbprints of the applicant or, if thumbprints cannot be taken, the index fingerprints of the applicant;
- (2) a photograph of the applicant;
- (3) the signature of the applicant; and
- (4) a brief description of the applicant.

(c) The application must state:

- (1) the sex of the applicant;
- (2) the residence address of the applicant, or if the applicant is a federal judge, a state judge, or the spouse of a federal or state judge using the procedure developed under Section 521.121(c), the street address of the courthouse in which the applicant or the applicant's spouse serves as a federal judge or a state judge;
- (3) whether the applicant has been licensed to drive a motor vehicle before;
- (4) if previously licensed, when and by what state or country;
- (5) whether that license has been suspended or revoked or a license application denied;
- (6) the date and reason for the suspension, revocation, or denial;

Tex. Transp. Code § 521.142

- (7) whether the applicant is a citizen of the United States; and
- (8) the county of residence of the applicant.
- (d) [2 Versions: As amended by Acts 2009, 81st Leg., ch. 1253] If the applicant is under 21 years of age, the application must state whether the applicant has completed a driver education course required by Section 521.1601.
- (d) [2 Versions: As amended by Acts 2009, 81st Leg., ch. 1413] If the applicant is under 25 years of age, the application must state whether the applicant has completed a driver education course required by Section 521.1601.
- (e) The application must include any other information the department requires to determine the applicant's identity, residency, competency, and eligibility as required by the department or state law.
- (f) Information supplied to the department relating to an applicant's medical history is for the confidential use of the department and may not be disclosed to any person or used as evidence in a legal proceeding other than a proceeding under Subchapter N. This subsection does not apply to information provided by an applicant under Subsection (h).
- (g) The department may require an applicant to provide the applicant's social security number only for a purpose permitted by Section 521.044.
- (h) The application must provide space for the applicant to voluntarily list any health condition that may impede communication with a peace officer as evidenced by a written statement from a licensed physician.
- (i) The application must provide space for the applicant:
 - (1) to voluntarily list any military service that may qualify the applicant to receive a license with a veteran's designation under Section 521.1235; and
 - (2) to include proof required by the department to determine the applicant's eligibility to receive that designation.

HISTORY: Enacted by Acts 1995, 74th Leg., ch. 165 (S.B. 971), § 1, effective September 1, 1995; am. Acts 1999, 76th Leg., ch. 556 (S.B. 368), § 78(a), effective September 1, 1999; am. Acts 1999, 76th Leg., ch. 640 (H.B. 82), § 3, effective September 1, 1999; am. Acts 2003, 78th Leg., ch. 1335 (H.B. 1330), § 2, effective January 1, 2004; am. Acts 2005, 79th Leg., ch. 1108 (H.B. 2337), § 5, effective September 1, 2005; am. Acts 2005, 79th Leg., ch. 1218 (H.B. 967), § 4, effective September 1, 2005; am. Acts 2009, 81st Leg., ch. 316 (H.B. 598), § 4, effective September 1, 2009; am. Acts 2009, 81st Leg., ch. 1146 (H.B. 2730), §§ 13A.04, 14.01, effective September 1, 2009; am. Acts 2009, 81st Leg., ch. 1253 (H.B. 339), § 9, effective September 1, 2009; am. Acts 2009, 81st Leg., ch. 1413 (S.B. 1317), § 1, effective March 1, 2010; am. Acts 2011, 82nd Leg., ch. 91 (S.B. 1303), § 24.011, effective September 1, 2011; am. Acts 2011, 82nd Leg., ch. 273 (H.B. 1514), § 2, effective September 1, 2011; am. Acts 2011, 82nd Leg., 1st C.S., ch. 4 (S.B. 1), § 72.06, effective September 28, 2011.

NOTES:**Revisor's Notes. --**

Section 6(b), *V.A.C.S. Article 6687b*, refers to a license application that is "refused." The revised law omits the reference to "refused" and substitutes "denied." *V.A.C.S. Article 6687b* uses the terms "refuse" and "deny" interchangeably. The revised law uses only the term "deny" for consistency and to avoid confusion.

1999 Note:

The changes in law made by this Act apply only to a person summoned to appear for jury service on or after the effective date of this Act. Acts 1999, 76th Leg., ch. 640, § 6.

Editor's Notes. --

Acts 2009, 81st Leg., ch. 1253 (H.B. 339), § 1 provides: "This Act shall be known as the Less Tears More Years Act." Acts 2009, 81st Leg., ch. 1146 (H.B. 2730), § 13A.04 amended Subsection (c)(2), in part, by adding a reference to "Section 521.121(d)." That reference has been editorially updated to "Section 521.121(c)" to match the amendments to this section and to Section 521.121 made by Acts 2009, 81st Leg., ch. 316 (H.B. 598), §§ 3 and 4. For further information regarding the amendments to Section 521.121, see the editor's notes following Section 151.121, Transportation Code.

Applicability. --

Acts 2009, 81st Leg., ch. 1146 (H.B. 2730), § 14.04 provides: "The changes in law made by this article apply only to an application for a driver's license, commercial driver's license, or personal identification certificate submitted on or after the effective date of this article [September 1, 2009]. An application for a driver's license, commercial driver's license, or

personal identification certificate submitted before the effective date of this article is subject to the law in effect on the date the application was submitted, and that law is continued in effect for that purpose."

Acts 2009, 81st Leg., ch. 1253 (H.B. 339), § 23 provides: "The changes in law made by *Section 521.142, Transportation Code*, as amended by this Act, and *Sections 521.1601 and 521.167, Transportation Code*, as added by this Act, apply to an application for the issuance of a driver's license filed on or after the effective date of this Act [September 1, 2009]. An application for the issuance of a driver's license filed before the effective date of this Act is governed by the law in effect on the date of the filing, and that law is continued in effect for that purpose."

Acts 2009, 81st Leg., ch. 1413 (S.B. 1317), § 7 provides: "The changes in law made by this Act apply to an application for the issuance of a driver's license filed on or after the effective date of this Act [March 1, 2010]. An application for the issuance of a driver's license filed before the effective date of this Act is governed by the law in effect on the date of the filing, and that law is continued in effect for that purpose."

Acts 2011, 82nd Leg., 1st C.S. ch. 4 (S.B. 1), § 72.17 provides: "The changes in law made by this article to Chapters 521 and 522, *Transportation Code*, apply only to a driver's license, personal identification certificate, commercial driver's license, or commercial driver learner's permit issued, reissued, reinstated, or renewed on or after the effective date of this Act [September 28, 2011]. A driver's license, personal identification certificate, commercial driver's license, or commercial driver learner's permit issued, reissued, reinstated, or renewed before the effective date of this Act is governed by the law in effect when the license, certificate, or permit was issued, reissued, reinstated, or renewed, and the former law is continued in effect for that purpose."

2005 amendment,

by ch. 1108, deleted "and" at the end of (b)(1); added (b)(2) and (b)(3), and redesignated former (b)(2) as (b)(4).

2005 amendment,

by ch. 1218, added the last sentence in (a).

2009 amendment,

by ch. 316, added "or if the applicant is a federal judge, a state judge, or the spouse of a federal or state judge using the procedure developed under Section 521.121(c), the street address of the courthouse in which the applicant or the applicant's spouse serves as a federal judge or a state judge" in (c)(2).

2009 amendment,

by ch. 1146, added "if the applicant also provides supplemental verifiable records or documents that aid in establishing identity" in the last sentence of (a); and added "or if the applicant is a federal judge, a state judge, or the spouse of a federal or state judge using the procedure developed under Section 521.121(d), the street address of the courthouse in which the applicant or the applicant's spouse serves as a federal judge or a state judge" in (c)(2).

2009 amendment,

by ch. 1253, in (d), substituted "21 years" for "25 years" and "required by Section 521.1601" for "approved by the department."

2009 amendment,

by ch. 1413, substituted "required by Section 521.1601" for "approved by the department" in (d).

2011 amendment,

by ch. 91, reenacted and amended the two former versions of (c) to create one version.

2011 amendment,

by ch. 273, added (i).

2011 amendment,

by ch. 4, 1st C.S., added the third sentence of (a); and in (e), added "residency" and "as required by the department or state law."

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Non-commercial Drivers Licenses